

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-003800

05/05/2014

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT  
C. Keller  
Deputy

CHARLES RODRICK, et al.

CHARLES RODRICK  
34522 N SCOTTSDALE RD, #120-46  
SCOTTSDALE AZ 85266

v.

DAVID MICHAEL ELLIS, et al.

RICK POSTER

SHANE D BUNTROCK  
RANDAL HUTSON  
ERIC A MARK  
BRENT OESTERBLAD  
23263 N SCOTTSDALE RD  
#D3-218  
SCOTTSDALE AZ 85255  
JOE M ROMLEY

**TRIAL MINUTE ENTRY  
DAY ONE**

Prior to commencement of trial, Plaintiff/Counterdefendant Charles Rodrick's exhibits 1 through 21, Defendant/Counterclaimant David M. Ellis' exhibits 22 through 110, Defendant/Counterclaimant Adam Galvez's exhibits 111 through 223, Plaintiff/Counterdefendant Traci Heisig's exhibits 224 through 364, and Defendant/Counterclaimant Lois Flynn's exhibits 365 through 397 are marked for identification.

East Court Building – Courtroom 513

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-003800

05/05/2014

9:54 a.m. Trial to a jury. Plaintiff/Counterdefendant Charles Rodrick is present on his own behalf. Plaintiff/Counterdefendant Traci Heisig is present and represented by counsel, Eric A. Mark. Defendant/Counterclaimant David M. Ellis is present and represented by counsel, Rick Poster. Defendant/Counterclaimant Lois A. Flynn is present and represented by counsel, Joe M. Romley. Defendants/Counterclaimants Adam Galvez and Susan Galvez are present and represented by counsel, Randal Hutson. Third-Party Defendant Brent Oesterblad is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding jury selection.

Discussion is held regarding the contested issues of fact and law of this case as outlined in the parties' Joint Pretrial Statement.

For the reasons set forth on the record,

**IT IS ORDERED** the parties shall review their contested issues of fact and law as they have been written in the Joint Pretrial Statement.

Discussion is held regarding the voir dire schedule.

9:59 a.m. Prospective Jury Panel 1 (Jurors 1 through 45) enters the courtroom.

**IT IS ORDERED** directing the Clerk of the Court to seal Jury List 1, not to be opened without further order of the Court.

**FILED:** Jury List 1 (5 copies of the same)

Voir dire examination of Jury Panel 1.

Jurors 2, 6, 7, 8, 9, 12, 15, 17, 18, 20, 22, 23, 27, 29, 33, 38, 40, 41, 42, and 43 are excused as jurors in this case.

10:38 a.m. Prospective Jury Panel 1 is admonished and leaves the courtroom.

Court remains in session.

Discussion is held regarding trial schedule.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-003800

05/05/2014

Discussion is held regarding jury instructions.

Regarding the non-party at fault issue addressed during the Final Pretrial Management Conference on April 28, 2014,

**IT IS ORDERED** Mr. Oesterblad may be recognized as a non-party at fault with respect to any claim for which he was previously a named Defendant but that has now settled. He will not be named as a non-party at fault for any claim that is being asserted for which he was not previously a Defendant. The request to have Ms. Oesterblad named as a non-party at fault is denied as not timely.

10:42 a.m. Court stands at recess.

11:40 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prospective Jury Panel 2 (Jurors 46 through 75) enters the courtroom

**IT IS ORDERED** directing the Clerk of the Court to seal Jury List 2, not to be opened without further order of the Court.

**FILED:** Jury List 2 (5 copies of the same)

Voir dire examination of Jury Panel 2.

Jurors 46, 47, 51, 52, 53, 56, 61, 64, 66, 67, 69, 70, 72 and 74 are excused as jurors in this case.

12:06 p.m. Prospective Jury Panel 2 is admonished and leaves the courtroom.

Court remains in session.

Discussion is held regarding the prospective jurors' biographical information provided by the jury office.

Due to the nature of the case and for the reasons set forth on the record,

**IT IS ORDERED** The Court will not provide biographical information to all parties.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-003800

05/05/2014

Discussion is held regarding the contested issues of fact and law of this case as outlined in the parties' Joint Pretrial Statement. The Court will allow argument on these issues at a later time.

12:10 p.m. Court stands at recess.

1:15 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The prospective jurors are not present.

Discussion is held regarding the contested issues of fact and law of this case as outlined in the parties' Joint Pretrial Statement. The Court will allow argument on these issues on May 6, 2014 before trial commences.

1:19 p.m. Court stands at recess.

1:33 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The prospective jurors are not present.

Juror 4 is present.

Discussion is held with Juror 4.

Juror 4 is excused as a juror in this case and leaves the courtroom.

Argument is heard and considered as to the contested issues of fact and law of this case as outlined in the parties' Joint Pretrial Statement. Further argument will be heard May 6, 2014 before trial commences.

The parties hand copies of their disclosure statements to the Court.

1:40 p.m. The combined prospective jury panels enter the courtroom.

Voir dire examination of all prospective jurors.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-003800

05/05/2014

2:53 p.m. The prospective jurors are reminded of previous admonitions and leave the courtroom.

Court remains in session.

Jurors 21, 34, and 36 are excused as jurors in this case.

Counsel pass the panel.

2:59 p.m. Court stands at recess.

3:38 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Nine (9) persons are selected and sworn to act as trial jurors in this cause.

The Preliminary Instructions are read to the jury by the Court.

**FILED:** Preliminary Instructions

3:58 p.m. The jury is reminded of previous admonitions and leaves the courtroom.

Court remains in session.

Discussion is held regarding the contested issues of fact and law of this case as outlined in the parties' Joint Pretrial Statement. Good cause appearing,

**IT IS ORDERED** setting oral argument on these issues for **May 6, 2014 at 8:30 a.m.** in this division.

4:01 p.m. Court stands at recess until May 6, 2014 at 8:30 a.m.